

AIDA MARKISIC,

Case No. 08-cv-05478 (SCR)

Plaintiff,

AFFIDAVIT OF SERVICE
OF SUMMONS & COMPLAINT

-against-

THE YANKEE SYSTEMS, INC., et al., ,

Defendants.

STATE OF NEW YORK)
) ss.:
COUNTY OF SULLIVAN)

PHIL MULLEN, being duly sworn, deposes and says: that deponent is not a party to this action, is over 18 years of age and resides at 174 Dwyer Avenue, Liberty, New York.

That on June 23, 2008 at 3:00 P.M., at 137 Starlight Road, Monticello, New York 12701

deponent served the within summons and complaint on JOSEPH FISCHBEIN, defendant therein named,

INDIVIDUAL by delivering a true copy of each to said defendants personally; deponent knew the person so served to be the person described as said defendant therein.

CORPORATION a corporation, by delivering thereat a true copy of each to personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be thereof.

SUITABLE AGE PERSON by delivering thereat a true copy of each to a person of suitable age and discretion. Said premises is defendant's--actual place of business -- dwelling house--usual place of abode--within the state.

AFFIXING TO DOOR, ETC. by affixing a true copy of each to the door of said premises, which is defendant's--actual place of business--dwelling house--usual place of abode--within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion, thereat, having called there. June 20, 2008 at 9:15 a.m., June 20, 2008 at 4:30 p.m., June 21, 2008 at 1:15 p.m., June 23, 2008 at 3:00 p.m.

MAILING Deponent also enclosed a copy of same in a postpaid scaled wrapper properly addressed to defendant at defendant's last known residence, at 137 Starlight Road, Monticello, NY 12701 and deposited said wrapper in -- a post office -- official depository under exclusive care and custody of the United States Postal Service within New York State.

DESCRIPTION Deponent describes the individual served as follows:
USE WITH ☐ Male ☐ White Skin ☐ Black Hair ☐ White Hair ☐ 14-20 Yrs. ☐ Under 5' ☐ Under 100 Lbs.
☐ Female ☐ Black Skin ☐ Brown Hair ☐ Balding ☐ 21-35 Yrs. ☐ 5'0"-5'3" ☐ 100-130 Lbs.
☐ Glasses ☐ Yellow Skin ☐ Blond Hair ☐ 36-50 Yrs. ☐ 5'4"-5'8" ☐ 131-160 Lbs.
☐ Brown Skin ☐ Gray Hair ☐ Mustache ☐ 51-65 Yrs. ☐ 5'8"-6'0" ☐ 161-200 Lbs.
☐ Red Skin ☐ Red Hair ☐ Beard ☐ Over 65Yr ☐ Over 6' ☐ Over 200 Lbs.
Other Identifying features:

USE IN NYC CIVIL CT. The language required by NYCRR 2900.2(e), (1) & (h) was set forth on the face of said summons(es).

MILITARY SERVICE I asked the person spoken to whether defendant was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Defendant wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated.

Upon information and belief I aver that the defendant is not in the military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me this
24TH day of June, 2008

Tami S. Davis
Notary Public

Phil Mullen
Print name beneath signature
PHIL MULLEN

TAMI S. DAVIS
Notary Public, State of New York
Sullivan County Clerk's #2071
Commission Expires June 5, 2011